

Technical Guidance

Pesticides Act and Ontario Regulation 63/09 Specialty Turf and Specified Sports Fields

May 2011

Purpose

This technical update provides regulatory information for specialty turf owners and operators and specified sports field owners and operators, and landscape licensed exterminators employed by specialty turf company owners or specified sports field owners. Specialty turf is used for lawn bowling, cricket, lawn tennis or croquet and is the same kind of turf used on golf course greens. Specialty turf does not include golf courses. Ontario's cosmetic pesticides ban took effect April 22, 2009. The requirements of the ban are detailed in the Pesticides Act, which was amended by the Cosmetic Pesticides Ban Act, 2008 and in Ontario Regulation 63/09 (O. Reg. 63/09).

Update

New specialty turf annual reporting requirements come into effect beginning 2011. Before April 1 each year, the owner or operator of a specialty turf using Class 9 pesticides is required to prepare an annual report disclosing the locations and amounts of Class 9 pesticides used on the specialty turf in the previous year.

Subsection 74(3) of O. Reg. 63/09 specifies that as of April 22, 2011, warning signs (i.e. Sign D and F) can no longer deviate from the versions of the signs referred to in subsection 1(5) of O. Reg. 63/09. In other words, if warning signs are required to be posted to provide public notice of a land extermination, the law requires that the version of the warning signs posted on the MOE's website be used.

Classification of pesticides

A pesticide product must be registered by Health Canada's Pest Management Regulatory Agency and classified by the Ministry of the Environment (MOE) to be sold and used in Ontario (please refer to s.6 of the Pesticides Act and s.9 of O. Reg. 63/09). Products must be used according to label directions and for purposes allowed under the ban.

As set out in subsection 4(5) of O. Reg. 63.09, Ontario has established a pesticide classification system consisting of eleven classes under provincial legislation as set out below.

- Class 1 pesticides are products intended for manufacturing purposes
- Class 2, 3 and 4 pesticides are restricted or commercial products

- Class 5 and 6 pesticides are domestic products intended for household use
- Class 7 pesticides are controlled sale products (domestic or restricted)
- Class 8 pesticides are domestic products that are banned for sale and use
- Class 9 pesticides are ingredients in products for use only under exceptions to the ban
- Class 10 pesticides are ingredients in products for the poisonous plant exception
- Class 11 pesticides are ingredients in products for cosmetic uses under the ban

Allowed Pesticide Uses

Full-time specialty turf employees or specified sports field employees can use domestic pesticides in Class 5, 6 or 7 to protect health or safety to control pests such as:

- wasps that sting or mosquitoes that bite
- plants that are poisonous to touch by humans, such as poison ivy and giant hogweed

Under the ban, specialty turf employees and specified sports field employees can use Class 5 or 6 products containing Class 11 pesticides (biopesticides and certain lower risk pesticides) to manage pests on turf, lawns and gardens on the specialty turf facility or specified sports field facility. Refer to the ministry's [Managing Pests in Lawns and Gardens](#) fact sheet for a complete list of classified products.

Alternatively, specialty turf owners and specified sports field owners can hire a licensed exterminator authorized to use commercial products containing Class 11 pesticides on specialty turf and specified sports field property.

Pesticide Use Notification for Class 11 Pesticides

A specialty turf employee or specified sports field employee is required to post a non-residential area notice sign (Sign E) when using a Class 11 pesticide on non-residential area land as a land extermination in order to notify visitors and passers-by of pesticide use (examples of signs are available on the ministry's website). Licensed exterminators are also required to post a notice sign to notify the public that Class 11 pesticides have been used.

Structural Pest Control in Specialty Turf and Specified Sports Field Facilities

A full-time specialty turf employee or specified sports field employee may purchase and use Domestic products in Class 5, 6 or 7 on the property to control indoor pests. A specialty turf employee or specified sports field employee who holds a structural exterminator licence may purchase and use Class 2, 3, 4, 5, 6

or 7 products containing a Class 9 pesticide for a structural extermination on the property.

Specialty Turf Exception

There is an exception to the ban for the use of Class 9 pesticides on specialty turf with conditions. Specialty turf is the same kind of turf used on golf course greens (i.e., creeping bent grass) that is used for lawn bowling, cricket, lawn tennis or croquet. The exception to the ban does not apply to other lawns that are not used as playing surfaces of these sports. Conditions include the following:

IPM Certification

Landscape licensed exterminators using Class 9 pesticides under the specialty turf exception must be certified by an approved Integrated Pest Management (IPM) body. Currently, the ministry has approved the IPM Council of Canada (IPMCC), as an IPM body approved for the purpose of [section 26](#) of O. Reg. 63/09.

The IPMCC certifies landscape licensed exterminators who successfully complete the approved IPM examination. To maintain certification, a minimum of eight Continuing Education Credits must be obtained each year, or the landscape licensed exterminator may complete the certification exam if they have not obtained the required number of credits. It is recommended that owners or operators of specialty turf ensure that IPM certified landscape licensed exterminators maintain valid IPM certificates if the use of Class 9 pesticides is needed on their specialty turf.

The IPM certified landscape licensed exterminator must have the IPM certificate or a copy of it readily available at the extermination site. Any person working under written instructions of an IPM certified landscape licensed exterminator must have a copy of the IPM certificate and the written instructions readily available (see below).

Written Instructions

An IPM certified landscape licensed exterminator can:

- Have an unlimited number of landscape licensed exterminators working under his/her written instructions.
- Supervise up to a maximum of three technicians or trainees.

Landscape licensed exterminators, who are not IPM certified, and working under the written instructions of the specialty turf IPM certified landscape licensed exterminator, or persons (i.e. technicians) being supervised by the specialty turf IPM certified landscape licensed exterminator in accordance with sections [46](#) and [48](#) of O. Reg. 63/09, must have readily available at the extermination site:

- A copy of the specialty turf IPM certificate issued to the IPM certified landscape licensed exterminator by the IPMCC.

- Written instructions from the IPM certified landscape licensed exterminator.

Annual Report

As set out in section 27 of O. Reg. 63/09, before April 1 each year, the owner or operator of a specialty turf company using Class 9 pesticides is required to prepare an annual report disclosing the locations and amounts of Class 9 pesticides used on the specialty turf in the previous year.

Under subsection [27](#)(4) of O. Reg. 63/09, the owner or operator of the specialty turf is responsible for ensuring an annual report is prepared that summarizes all Class 9 pesticide use on specialty turf and includes the following information:

- The name of each pesticide ingredient used
- The quantity of each pesticide ingredient used
- The reason for using each pesticide ingredient
- The method of use for each pesticide ingredient
- The location of all application areas
- An explanation of how the use of each pesticide will be minimized in the future
- The name, contact information, and signature of the IPM certified Landscape licensed exterminator

The IPMCC Annual Report – Pest Control Product Usage form has been approved under subsection 27(3) of O. Reg. 63/09. The form is available from the IPMCC.

A copy of the annual report must be kept at the head office of the owner of the specialty turf for at least five years after it has been prepared, and must be given to any person free of charge within seven days after the request.

Specified Sports Fields Exception

An exception to the ban for the use of Class 9 pesticides is provided in section [29](#) of O. Reg. 63/09 for the purpose of maintaining a specified sports field for a national or international sporting event. At no other time is there an exception to the ban for sports fields.

A landscape licensed exterminator applying a Class 9 pesticide under this exception to the ban must obtain written approval from the Minister of the Environment for the use of a Class 9 pesticide for the expected duration of use for the international or national sporting event.

The landscape licensed exterminator must apply for approval at least six months prior to the intended use of a Class 9 pesticide. The written submission must include the following:

- The description of the application area, the purpose and expected duration of the use.
- A request that the Minister approve the use of a Class 9 pesticide.

A submission package is available from the MOE outlining the details of the information that the Minister will require in order to consider the approval. Contact the Director under the Pesticides Act at 416-327-5519 for a submission package for request to the Minister for approval to use a Class 9 pesticide on a specified sports field for a national or international sporting event.

The Minister may approve the use of a Class 9 pesticide if he or she is of the opinion that the use is necessary for hosting the event and that it is in the public interest. The landscape licensed exterminator using a Class 9 pesticide must comply with any conditions or limitations imposed by the Minister and must stop using the pesticide once the event concludes.

Pesticide Use Notification for Class 9 Pesticides

A landscape licensed exterminator is required to post a non-residential area warning sign (Sign F) when using a Class 9 pesticide on non-residential area land in a land extermination to notify visitors and passers-by of pesticide use (examples of signs are available on the MOE's website).

Compliance and Enforcement

To report non-compliance of pesticide use, please contact your [MOE District Office](#) during regular business hours. After business hours, call the MOE's Pollution Hotline at 1-866-MOE-TIPS (1-866-663-8477).

For more information:

On the IPMCC Certification Program contact:

Address: IPM Council of Canada
25 Brown Street, Box #7
Milton, ON L9T 2Y3
Phone: 416-919-3832
Email: info@ipmcouncilcanada.org
Website: www.ontarioipm.com

Visit the MOE web site for additional information on topics such as:

- [Pesticide signage](#)
- [Pesticide classes and database](#)
- Technical Guidance Pesticides Act and Ontario Regulation 63/09 Licensed Landscape Exterminator

A number of fact sheets and suggestions on caring for lawns and gardens are available on the [MOE's website](#) for specific audiences.

Questions about the cosmetic pesticides ban can be directed to the MOE's Public Information Centre at 1-800-565-4923 or 416-325-4000 (press 0 to talk to an information officer).

This technical guidance is for informational purposes only and should not be construed as legal advice. Interested parties are advised to refer to the *Pesticides Act* and O. Reg. 63/09 to address specific circumstances.

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